IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 16 OF 2004

The Nashik Industrial Co-op.
Estate Limited., .. Appellant.

vs.

Allied Auto Accessories Pvt.
Ltd., & Ors. .. Respondents.

Mr. Kishore Patil h/f P.N. Joshi for the Appellant.
Mr. K.L. Tamboly h/f M/s. Mulla & Mulla C.B.C
for Respondent No.1.
Mr. A.A. Garge for R. Nos. 2A, 2B & 2.

Coram: J.N. PATEL &,
A.A. SAYED, JJ.
Date: 5TH JUNE, 2007.

P.C.

. Heard.

2. The appellants are aggrieved by the decision of the learned Single Judge who has admitted the petition and granted interim relief in favour of the respondent.

3. It has been submitted that in spite of their

being concurrent findings of fact by the Co-operative Court and the Appellate Tribunal that it has no jurisdiction and the parties have preferred a civil suit, there was no propriety on the part of the learned Single Judge to have entertained the petition which pertains to the subject matter of the civil suit. It is further submitted that the appellants being a lessee who is in possession of the property in question, has been restrained from dealing with the same by the interim order which is causing prejudice to the rights of the appellants in dealing with the property.

4. The learned counsel for the appellants submits that the appellants are not a party to the civil suit.

5. Therefore, taking into consideration the peculiar facts and circumstances, we are of the view that the petition deserves to be heard and disposed of expeditiously. We, therefore, grant liberty to the appellant to move the learned Single Judge for expeditious hearing of the petition. With this observation, the Letters Patent Appeal stands disposed of. No order as to costs.

6. The civil applications do not survive and hence stand dismissed.

(J.N. Patel, J.)

(A.A. Sayed, J.)